

QUIN DENVIR, Bar #49374
Federal Defender
LINDA HARTER, Bar # 179741
Assistant Federal Defender
801 I Street, 3rd Floor
Sacramento, California 95814
Telephone: (916) 498-5700

Attorney for Defendant
XAVIER RASHAWN HERNDON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR-S-04-043 FCD |
| |) | |
| Plaintiff, |) | |
| |) | STIPULATION AND ORDER |
| v. |) | |
| |) | |
| XAVIER RASHAWN HERNDON, |) | Date: June 13, 2005 |
| |) | Time: 9:30 A.M. |
| |) | |
| |) | Judge: Hon. Frank C. Damrell |
| Defendant. |) | |

It is hereby stipulated between the parties, William Wong, Assistant United States Attorney, attorney for Plaintiff, and Linda Harter, attorney for defendant XAVIER RASHAWN HERNDON as follows:

It is agreed that the current Status Conference set for May 31, 2005, be vacated, and that a status conference date of June 13, 2005 at 9:30 a.m. be set. The Time is excluded pursuant to 18 U.S.C. §3161(h)(8)(A).

Defense counsel has not received the written plea offer in this case as of this date. Defense counsel needs the additional time to received and review with the defendant the plea agreement. In addition, defense counsel will be out of town on the date of the

1 current status conference.

2 It is further stipulated and agreed between the parties that the
3 period beginning May 31, 2005 to June 13, 2005, should be excluded in
4 computing the time within which the trial of the above criminal
5 prosecution must commence for purposes of the Speedy Trial Act for
6 defense preparation. All parties stipulate and agree that this is an
7 appropriate exclusion of time within the meaning of Title 18, United
8 States Code, Section 3161(h)(8)(iv) (Local Code T4).

9
10 Dated: May 24, 2005

11 Respectfully submitted,

12 QUIN DENVIR
13 Federal Defender

14
15 /s/LINDA HARTER
16 LINDA HARTER
17 Assistant Federal Defender
18 Attorney for Defendant
19 XAVIER RASHAWN HERNDON

18 MCGREGOR W. SCOTT
19 United States Attorney

20 Dated: May 24, 2005__

21 /s/WILLIAM WONG
22 WILLIAM WONG
23 Assistant U.S. Attorney

24 **ORDER**

25 **IT IS SO ORDERED.**

26 DATED: June 1, 2005

27 /s/ Frank C. Damrell Jr.
28 HONORABLE FRANK C. DAMRELL JR.
District Court Judge

Xavier Herndon/Stip and Proposed Order